



**Virginia
Regulatory
Town Hall**

**Notice of Intended Regulatory Action
Agency Background Document**

Agency Name:	Department of Education
VAC Chapter Number:	8 VAC 20-360-10
Regulation Title:	Rules Governing General Educational Development Certificates
Action Title:	NOIRA
Date:	April 2, 2001

This information is required prior to the submission to the Registrar of Regulations of a Notice of Intended Regulatory Action (NOIRA) pursuant to the Administrative Process Act § 9-6.14:7.1 (B). Please refer to Executive Order Twenty-Five (98) and Executive Order Fifty-Eight (99) for more information.

Purpose

Please describe the subject matter and intent of the planned regulation. This description should include a brief explanation of the need for and the goals of the new or amended regulation.

The Regulations governing General Educational Development (GED) Certificates were last amended in 1980. Since that time, the American Council on Education, which has oversight of GED testing, has established new requirements for the program that are not reflected in the current regulations. Additionally, the Code of Virginia has been amended to include new GED programs for 16-year olds.

The GED Certificate is a well respected and nationally recognized credential. To ensure the integrity of the GED credential and align it with the Code of Virginia, action should be taken to create new regulations that reflect current program practice.

Basis

Please identify the state and/or federal source of legal authority to promulgate the contemplated regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. The correlation between the proposed regulatory

action and the legal authority identified above should be explained. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided.

The legal authority to promulgate changes to 8 VAC 20-360-10 is found in the Code of Virginia 22.1-223 through 226. The Code provides discretion to the Board in promulgating "appropriate standards and guidelines for adult education programs," including participation in preparing for and taking the GED Tests. It further requires the Board to "assist school divisions with all diligence in meeting the educational needs of adults participating in adult education programs to master the requirements for and earn a Virginia General Educational Development (GED) Certificate or high school diploma."

Substance

Please detail any changes that would be implemented: this discussion should include a summary of the proposed regulatory action where a new regulation is being promulgated; where existing provisions of a regulation are being amended, the statement should explain how the existing regulation will be changed. The statement should set forth the specific reasons the agency has determined that the proposed regulatory action would be essential to protect the health, safety or welfare of citizens. In addition, a statement delineating any potential issues that may need to be addressed as the regulation is developed shall be supplied.

There are more than one million adults in Virginia who have not completed the requirements for a high school diploma or its equivalent. Without a high school diploma or its equivalent, adults have difficulty finding and/or maintaining employment that provides more than minimum wage. Illiteracy costs Virginia taxpayers nearly \$300 million a year due to unemployment, welfare, and loss of tax revenue.

All or part of the GED tests were administered to 17,485 individuals in Virginia in 2000, with 11,380 achieving scores high enough to qualify for a credential. The Individualized Student Alternative Education Plan (ISAEP) program implemented in the 1999-2000 school year and the initiative designed to increase the number of adult examinees have resulted in an increase in test administrations.

Successful achievement on the GED tests provides adults and eligible students who have not or will not earn a high school diploma with the opportunity to earn a well-recognized secondary credential. Those who pass the GED tests earn a GED Certificate.

The GED Certificate is recognized by most employers, colleges, universities, and all of the armed forces.

A revision of the GED regulations is intended to accurately reflect the Code of Virginia and directives and guidelines provided by Superintendents' Memoranda over the years since 1980. The changes will have no adverse effect on GED program consumers.

Alternatives

Please describe, to the extent known, the specific alternatives to the proposal that have been considered or will be considered to meet the essential purpose of the action.

- Age requirements for testing need to be reviewed.
(Note: The American Council on Education has approved the age of 16 as the minimal age for testing.)
- The option of eliminating the minimum number of days for determining residency needs to be considered.
(Note: The American Council on Education has eliminated the requirement for a minimum number of days.)
- Minimum passing scores at the time the student took the GED tests need to be considered for inclusion in the regulations.
- Omitting language related to the fee structure in the regulations needs to be considered.
(Note: If the Board of Education had the authority to set the fee structure as changes need to be made, this would be more efficient than having to amend the regulations each time testing fees need to be adjusted.)
- The issue of whether to call the GED credential a "certificate" or a "diploma" needs to be considered.
(Note: Although 32 states call the GED a "diploma," Virginia still uses the term "certificate." The GED tests are based on two foundations: (1) test content that conforms as closely as possible to the core academic curricula of U.S. high schools, and (2) score scales based on periodic normings of the GED tests on a stratified random nationally representative sample of graduating high school seniors. Based on the 1996 norming and with the 1997 initiation of a higher minimum passing score requirement, over one-third of graduating high school seniors would not pass the GED tests. Therefore, changing the GED credential to a "diploma" would more appropriately recognize the achievement of those who pass the tests.)

Family Impact Statement

Please provide a preliminary analysis of the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The proposed Regulations Governing General Educational Development Programs will not erode the authority or rights of parents in the education, nurturing, and supervision of their children. Adults earning a GED Diploma will be better prepared to assist in meeting their own children's educational needs.

Earning a GED Diploma will assist recipients in increasing economic self-sufficiency. Earning a GED Diploma also will improve the self-pride of individuals and encourage them to take more responsibility for themselves and their families.

The proposed regulations will not erode marital commitment.

GED Diploma recipients may increase their earning power if they use opportunities to increase their education and training related to employment.